United States Department of Labor Employees' Compensation Appeals Board

I.J, Appellant)
·) Docket Nos. 21-0467 &
and	20-0812
) Issued: March 24, 2022
DEPARTMENT OF THE ARMY, U.S. CORPS)
OF ENGINEERS, Memphis, TN, Employer)
)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

ORDER DISMISSING APPEAL IN DOCKET NO. 21-0467 AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 20-0812

Before:

ALEC J. KOROMILAS, Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On February 4, 2021 appellant sought an appeal from a purported October 19, 2020 decision of the Office of Workers' Compensation Programs. The Clerk of the Appellate Boards assigned Docket No. 21-0467.

The Board has duly considered the matter and notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA). This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal. As of the filing of the current appeal, the most recent OWCP decision was dated February 11, 2020. However, by an October 19, 2020 decision in Docket No. 20-0812, the Board affirmed OWCP's February 11, 2020 decision, finding that OWCP properly denied appellant's request for reconsideration as it was untimely filed and failed to demonstrate

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a).

² 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

clear evidence of error.³ As there is no final adverse decision issued by OWCP within 180 days of the filing of this appeal⁴ over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-0467 must be dismissed.

To the extent that appellant's February 4, 2021 appeal may be construed as a timely petition for reconsideration of the Board's October 19, 2020 decision in Docket No. 20-0812, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance. Further, as appellant did not file his disagreement with the Board's October 19, 2020 decision until February 4, 2021, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance. Thus, the petition for reconsideration of the October 19, 2020 Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0467 is dismissed.

IT IS FURTHER ORDERED THAT the petition for reconsideration in Docket No. 20-0812 is dismissed as untimely filed.⁷

³ Docket No. 20-0812 (issued October 19, 2020).

⁴ Supra note 2.

⁵ 20 C.F.R. § 501.6(d).

⁶ See id. at § 501.7(a).

⁷ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).

Issued: March 24, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board